



STATE OF MONTANA REQUEST FOR PROPOSAL (THIS IS NOT AN ORDER)

RFP Number: 0602CCPG	RFP Title: Best Beginnings Child Care Provider Grant
RFP Due Date and Time: August 12, 2005 5 pm, Local Time	Number of Pages: 37

ISSUING AGENCY INFORMATION	
Procurement Officer: Susan Raye White	Issue Date: July 11, 2005
DPHHS Human and Community Services Division Early Childhood Services Bureau PO Box 202952 Helena, MT 59620-2952	Phone: (406) 444-1788 Fax: (406) 444-2547 TTY Users, Dial 711 Website: http://www.discoveringmontana.com/doa/gsd

INSTRUCTIONS TO OFFERORS	
Return Proposal to: DPHHS Human and Community Services Division Early Childhood Services Bureau PO Box 202952 Helena, MT 59620-2952	Mark Face of Envelope/Package: RFP Number: 0602CCPG RFP Due Date: August 12, 2005 Special Instructions:

IMPORTANT: SEE STANDARD TERMS AND CONDITIONS

OFFERORS MUST COMPLETE THE FOLLOWING	
Offeror Name/Address:	Authorized Offeror Signatory: (Please print name and sign in ink)
Offeror Phone Number:	Offeror FAX Number:
Offeror Federal I.D. Number:	Offeror E-mail Address:

OFFERORS MUST RETURN THIS COVER SHEET WITH RFP RESPONSE

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OFFEROR'S RFP CHECKLIST

The 10 Most Critical Things to Keep in Mind When Responding to an RFP for the State of Montana

1. _____ **Read the entire document.** Note critical items such as: mandatory requirements; supplies/services required; submittal dates; number of copies required for submittal; funding amount and source; contract requirements (i.e., contract performance security, insurance requirements, performance and/or reporting requirements, etc.).
2. _____ **Note the procurement officer's name, address, phone numbers and e-mail address.** This is the only person you are allowed to communicate with regarding the RFP and is an excellent source of information for any questions you may have.
3. _____ **Attend the pre-proposal conference** if one is offered. These conferences provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the State of any ambiguities, inconsistencies, or errors in the RFP.
4. _____ **Take advantage of the “question and answer” period.** Submit your questions to the procurement officer by the due date listed in the Schedule of Events and view the answers given in the formal “addenda” issued for the RFP. All addenda issued for an RFP are posted on the State’s website and will include all questions asked and answered concerning the RFP.
5. _____ **Follow the format required in the RFP** when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.
6. _____ **Provide complete answers/descriptions.** Read and answer **all** questions and requirements. Don’t assume the State or evaluation committee will know what your company capabilities are or what items/services you can provide, even if you have previously contracted with the State. The proposals are evaluated based solely on the information and materials provided in your response.
7. _____ **Use the forms provided**, i.e., cover page, sample budget form, certification forms, etc.
8. _____ **Check the State’s website for RFP addenda.** Before submitting your response, check the State’s website at <http://discoveringmontana.com/doa/gsd/osbs/default.asp> to see whether any addenda were issued for the RFP. If so, you must submit a signed cover sheet for each addendum issued along with your RFP response.
9. _____ **Review and read the RFP document again** to make sure that you have addressed all requirements. Your original response and the requested copies must be identical and be complete. The copies are provided to the evaluation committee members and will be used to score your response.
10. _____ **Submit your response on time.** Note all the dates and times listed in the Schedule of Events and within the document, and be sure to submit all required items on time. Late proposal responses are **never** accepted.

This checklist is provided for assistance only and should not be submitted with Offeror’s Response.

SCHEDULE OF EVENTS

EVENT

DATE

RFP Issue Date July 11, 2005

Deadline for Receipt of Written Questions July 26, 2005

Deadline for Posting of Written Answers to the State's Website August 1, 2005

RFP Response Due Date August 12, 2005

Intended Date for Contract Award September 1, 2005

SECTION 1: PROJECT OVERVIEW AND INSTRUCTIONS

1.0 PROJECT OVERVIEW

The STATE OF MONTANA, Department of Public Health and Human Services/ Early Childhood Services Bureau, (hereinafter referred to as “the State”) invites you to submit a proposal for a Best Beginnings Child Care Provider Grant. The goals of this RFP are to improve the quality of child care offered to all Montana families, to provide low-income families access to the same high quality child care services as middle and high income families and to increase the number of slots (especially in the areas of high demand). In order to accomplish these goals facilities must be serving a minimum of 15% of their licensed/registered capacity with Best Beginnings Scholarship children at the time they submit their proposal. During the grant period the facility must dedicate a *minimum of 20% of their child care slots* for children who qualify for services under the State of Montana’s Best Beginnings Scholarship program. Goals must include a plan for national accreditation through either the National Association of Education for Young Children (NAEYC), or the National Association for Family Child Care (NAFCC), or the National School-Age Care Alliance (NSACA). Approximately \$80,000 is available for Best Beginnings Child Care Provider Grants. The department anticipates funding five to eight one year projects renewable for second and third year funding depending upon facilities meeting annual performance criteria. Contract awards will be limited to a maximum of:

Centers - \$15,000 – 1st year, \$12,500 – 2nd year, \$10,000 – 3rd year;

Group Child Care Homes - \$10,000 – 1st year, \$8,500 – 2nd year, \$7,000 – 3rd year; and

Family Child Care Homes - \$5,000 – 1st year, \$4,250 – 2nd year, \$3,500 – 3rd year.

This project is funded as part of the State of Montana’s “Best Beginnings” quality child care initiatives and contingent upon continued Federal funding through the Child Care and Development Fund.

A more complete description of the services sought for this project is provided in Section 3, Scope of Project. Proposals submitted in response to this solicitation must comply with the instructions and procedures contained herein.

1.1 CONTRACT TERM

The contract term is for a period of **one** year beginning **October 1, 2005** and ending **September 30, 2006**. Renewals of the contract, by mutual agreement of both parties, may be made at **one**-year intervals, or any interval that is advantageous to the State, not to exceed a total of **three** years, at the option of the State.

1.2 SINGLE POINT OF CONTACT

From the date this Request for Proposal (RFP) is issued until an offeror is selected and the selection is announced by the procurement officer, **offerors are not allowed to communicate with any state staff or officials regarding this procurement, except at the direction of Susan Raye White**, the procurement officer in charge of the solicitation. Any unauthorized contact may disqualify the offeror from further consideration. Contact information for the single point of contact is as follows:

Procurement Officer: **Susan Raye White**
Address: **PO Box 202952, Helena, MT 59620-2952**
Telephone Number: **(406) 444-5925**
Fax Number: **(406) 444-2547**
E-mail Address: **suwhite@mt.gov**

1.3 REQUIRED REVIEW

1.3.1 Review RFP. Offerors should carefully review the instructions, mandatory requirements, specifications, standard terms and conditions, and contract set out in this RFP and promptly notify the procurement officer identified above in writing or via e-mail of any ambiguity, inconsistency, unduly restrictive specifications, or error which they discover upon examination of this RFP. This should include any terms or requirements within the RFP that either preclude the offeror from responding to the RFP or add unnecessary cost. This notification must be accompanied by an explanation and suggested modification and be received by the deadline for receipt of written or e-mailed inquiries set forth below. The State will make any final determination of changes to the RFP.

1.3.2 Form of Questions. Offerors with questions or requiring clarification or interpretation of any section within this RFP must address these questions in writing or via e-mail to the procurement officer referenced above on or before **July 26, 2005**. Each question must provide clear reference to the section, page, and item in question. Questions received after the deadline may not be considered.

1.3.3 State's Answers. The State will provide an official written answer by **August 1, 2005** to all questions received by **July 26, 2005**. The State's response will be by formal written addendum. Any other form of interpretation, correction, or change to this RFP will not be binding upon the State. Any formal written addendum will be posted on the State's website alongside the posting of the RFP at <http://discoveringmontana.com/doa/gsd/osbs/default.asp> by the close of business on the date listed. Offerors must sign and return any addendum with their RFP response.

1.4 GENERAL REQUIREMENTS

1.4.1 Acceptance of Standard Terms and Conditions/Contract. By submitting a response to this RFP, offeror agrees to acceptance of the standard terms and conditions and contract as set out in Appendices A and B of this RFP. Much of the language included in the standard terms and conditions and contract reflects requirements of Montana law. Requests for additions or exceptions to the standard terms and conditions, contract terms, including any necessary licenses, or any added provisions must be submitted to the procurement officer referenced above by the date for receipt of written/e-mailed questions and must be accompanied by an explanation of why the exception is being sought and what specific effect it will have on the offeror's ability to respond to the RFP or perform the contract. The State reserves the right to address non-material requests for exceptions with the highest scoring offeror during contract negotiation. Any material exceptions requested and granted to the standard terms and conditions and contract language will be addressed in any formal written addendum issued for this RFP and will apply to all offerors submitting a response to this RFP. The State will make any final determination of changes to the standard terms and conditions and/or contract.

1.4.2 Resulting Contract. This RFP and any addenda, the offeror's RFP response, including any amendments, a best and final offer, and any clarification question responses shall be included in any resulting contract. The State's contract, attached as Appendix B, contains the contract terms and conditions which will form the basis of any contract between the State and the highest scoring offeror. In the event of a dispute as to the duties and responsibilities of the parties under this contract, the contract, along with any attachments prepared by the State, will govern in the same order of precedence as listed in the contract.

1.4.3 Mandatory Requirements. To be eligible for consideration, an offeror **must** meet the intent of all mandatory requirements. The State will determine whether an offeror's RFP response complies with the intent of the requirements. RFP responses that do not meet the full intent of all requirements listed in this RFP may be subject to point reductions during the evaluation process or may be deemed non-responsive.

1.4.4 Understanding of Specifications and Requirements. By submitting a response to this RFP, offeror agrees to an understanding of and compliance with the specifications and requirements described in this RFP.

1.4.5 Prime Contractor/Subcontractors. The highest scoring offeror will be the prime contractor if a contract is awarded and shall be responsible, in total, for all work of any subcontractors. All subcontractors, if any, must be listed in the proposal. The State reserves the right to approve all subcontractors. The Contractor shall be responsible to the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. Further, nothing contained within this document or any contract documents created as a result of any contract awards derived from this RFP shall create any contractual relationships between any subcontractor and the State.

1.4.6 Offeror's Signature. The proposals must be signed in ink by an individual authorized to legally bind the business submitting the proposal. The offeror's signature on a proposal in response to this RFP guarantees that the offer has been established without collusion and without effort to preclude the State of Montana from obtaining the best possible supply or service. Proof of authority of the person signing the RFP response must be furnished upon request.

1.4.7 Offer in Effect for 120 Days. A proposal may not be modified, withdrawn or canceled by the offeror for a 120-day period following the deadline for proposal submission as defined in the Schedule of Events, or receipt of best and final offer, if required, and offeror so agrees in submitting the proposal.

1.5 SUBMITTING A PROPOSAL

1.5.1 Organization of Proposal Offerors must organize their proposal into sections that follow the format of this RFP, with tabs separating each section. A point-by-point response to all numbered sections, subsections, and appendices is required. Proposals must be typed, using 12-point font, printed on one-side of the paper, and original bound together in a 1" loose-leaf binder (no staples). **Proposals are limited to 20 pages.**

1.5.2 Failure to Comply with Instructions. Offerors failing to comply with these instruction may be subject to point deductions. The State may also choose to not evaluate, may deem non-responsive, and/or may disqualify from further consideration any proposals that do not follow this RFP format, are difficult to understand, are difficult to read, or are missing any requested information.

1.5.3 Multiple Proposals. Offerors may not submit multiple proposals.

1.5.4 Copies Required and Deadline for Receipt of Proposals. Offerors must submit one original proposal and two copies to the DPHHS/ Early Childhood Services Bureau. Proposals must be sealed and labeled on the outside of the package to clearly indicate that they are in response to RFP 0602CCPG. ***Proposals must be received at the receptionist's desk of the Early Childhood Services Bureau prior to 5:00 p.m., local time, August 12, 2005. Facsimile responses to requests for proposals are NOT accepted.***

1.5.5 Late Proposals. ***Regardless of cause, late proposals will not be accepted and will automatically be disqualified from further consideration.*** It shall be the offeror's sole risk to assure delivery at the receptionist's desk at the designated office by the designated time. Late proposals will not be opened and may be returned to the offeror at the expense of the offeror or destroyed if requested.

1.6 COST OF PREPARING A PROPOSAL

1.6.1 State Not Responsible for Preparation Costs. The costs for developing and delivering responses to this RFP and any subsequent presentations of the proposal as requested by the State are entirely the responsibility of the offeror. The State is not liable for any expense incurred by the offeror in the preparation and presentation of their proposal or any other costs incurred by the offeror prior to execution of a contract.

1.6.2 All Timely Submitted Materials Become State Property. All materials submitted in response to this RFP become the property of the State and are to be appended to any formal documentation, which would further define or expand any contractual relationship between the State and offeror resulting from this RFP process.

SECTION 2: RFP STANDARD INFORMATION

2.0 AUTHORITY

This RFP is issued under the authority of section 18-4-304, MCA (Montana Code Annotated) and ARM 2.5.602 (Administrative Rules of Montana). The RFP process is a procurement option allowing the award to be based on stated evaluation criteria. The RFP states the relative importance of all evaluation criteria. No other evaluation criteria, other than as outlined in the RFP, will be used.

2.1 OFFEROR COMPETITION

The State encourages free and open competition among offerors. Whenever possible, the State will design specifications, proposal requests, and conditions to accomplish this objective, consistent with the necessity to satisfy the State's need to procure technically sound, cost-effective services and supplies.

2.2 RECEIPT OF PROPOSALS AND PUBLIC INSPECTION

2.2.1 Public Information. All information received in response to this RFP, including copyrighted material, is deemed public information and will be made available for public viewing and copying shortly after the time for receipt of proposals has passed with the following four exceptions: (1) bona fide trade secrets meeting the requirements of the Uniform Trade Secrets Act, Title 30, chapter 14, part 4, MCA, that have been properly marked, separated, and documented; (2) matters involving individual safety as determined by the State; (3) any company financial information requested by the State to determine vendor responsibility, unless prior written consent has been given by the offeror as set out in section 18-4-308, MCA; and (4) other constitutional protections. See Mont. Code Ann. § 18-4-304.

2.2.2 Procurement Officer Review of Proposals. Upon opening the proposals received in response to this RFP, the procurement officer in charge of the solicitation will review the proposals and separate out any information that meets the referenced exceptions in Section 2.2.1 above, providing the following conditions have been met:

- Confidential information is clearly marked and separated from the rest of the proposal.
- The proposal does not contain confidential material in the cost or price section.
- An affidavit from an offeror's legal counsel attesting to and explaining the validity of the trade secret claim as set out in Title 30, chapter 14, part 4, MCA, is attached to each proposal containing trade secrets. Counsel must use the State of Montana "Affidavit for Trade Secret Confidentiality" form in requesting the trade secret claim. This affidavit form is available on the General Services Division's website at: <http://www.discoveringmontana.com/doa/gsd/css/Resources/Forms.asp> or by calling (406) 444-2575.

Information separated out under this process will be available for review only by the procurement officer, the evaluation committee members, and limited other designees. Offerors must be prepared to pay all legal costs and fees associated with defending a claim for confidentiality in the event of a "right to know" (open records) request from another party.

2.3 CLASSIFICATION AND EVALUATION OF PROPOSALS

2.3.1 Initial Classification of Proposals as Responsive or Nonresponsive. All proposals will initially be classified as either "responsive" or "nonresponsive," in accordance with ARM 2.5.602. Proposals may be found nonresponsive any time during the evaluation process or contract negotiation if any of the required information is not provided; the submitted price is found to be excessive or inadequate as measured

by criteria stated in the RFP; or the proposal is not within the plans and specifications described and required in the RFP. If a proposal is found to be nonresponsive, it will not be considered further.

2.3.2 Determination of Responsibility. The procurement officer will determine whether an offeror has met the standards of responsibility in accordance with ARM 2.5.407. Such a determination may be made at any time during the evaluation process and through contract negotiation if information surfaces that would result in a determination of nonresponsibility. If an offeror is found nonresponsive, the determination must be in writing, made a part of the procurement file and mailed to the affected offeror.

2.3.3 Evaluation of Proposals. The evaluation committee will evaluate the remaining proposals and recommend whether to award the contract to the highest scoring offeror or, if necessary, to seek discussion/negotiation or a best and final offer in order to determine the highest scoring offeror. All responsive proposals will be evaluated based on stated evaluation criteria. In scoring against stated criteria, the State may consider such factors as accepted industry standards and a comparative evaluation of all other qualified RFP responses in terms of differing price, quality, and contractual factors. These scores will be used to determine the most advantageous offering to the State.

2.3.4 Completeness of Proposals. Selection and award will be based on the offeror's proposal and other items outlined in this RFP. Submitted responses may not include references to information located elsewhere, such as Internet websites or libraries, unless specifically requested. Information or materials presented by offerors outside the formal response or subsequent discussion/negotiation or "best and final offer," if requested, will not be considered, will have no bearing on any award, and may result in the offeror being disqualified from further consideration.

2.3.5 Achieve Passing Score. Any proposal that fails to achieve a passing score for any part/section for which a passing score is indicated will be eliminated from further consideration.

2.3.6 Opportunity for Discussion/Negotiation and/or Oral Presentation/Product Demonstration. After receipt of all proposals and prior to the determination of the award, the State may initiate discussions with one or more offerors should clarification or negotiation be necessary. Offerors may also be required to make an oral presentation and/or product demonstration to clarify their RFP response or to further define their offer. In either case, offerors should be prepared to send qualified personnel to Helena, Montana, to discuss technical and contractual aspects of the proposal. Oral presentations and product demonstrations, if requested, shall be at the offeror's expense.

2.3.7 Best and Final Offer. The "Best and Final Offer" is an option available to the State under the RFP process, which permits the State to request a "best and final offer" from one or more offerors if additional information is required to make a final decision. Offerors may be contacted asking that they submit their "best and final offer," which must include any and all discussed and/or negotiated changes. The State reserves the right to request a "best and final offer" for this RFP, if any, based on price/cost alone.

2.3.8 Evaluation Committee Recommendation for Contract Award. The evaluation committee will provide a written recommendation for contract award to the procurement officer that contains the scores, justification and rationale for its decision. The procurement officer will review the recommendation to ensure its compliance with the RFP process and criteria before concurring in the evaluation committee's recommendation.

2.3.9 Request for Documents Notice. Upon concurrence with the evaluation committee's recommendation for contract award, the procurement officer will issue a "Request for Documents Notice" to the highest scoring offerors to obtain the required insurance documents, contract performance security, and any other necessary documents. In the case of a sole-proprietor, an Independent Contractor's exemption will be required. Receipt of the "Request for Documents Notice" does not constitute a contract and no work may begin

until a contract signed by all parties is in place. The procurement officer will notify all other offerors of the State's intent to begin contract negotiation with the highest scoring offerors.

2.3.10 Contract Negotiation. Upon issuance of the "Request for Documents Notice," the procurement officer and/or state agency representatives may begin contract negotiations with the responsive and responsible offerors whose proposals achieve the highest scores and are, therefore, the most advantageous to the State. If contract negotiations are unsuccessful or the highest scoring offerors fail to provide necessary documents or information in a timely manner, or fails to negotiate in good faith, the State may terminate negotiations and begin negotiations with the next highest scoring offeror.

2.3.11 Contract Award. Contract awards, if any, will be made to the highest scoring offerors who provide all required documents and successfully completes contract negotiations.

2.4 STATE'S RIGHTS RESERVED

While the State has every intention to award a contract as a result of this RFP, issuance of the RFP in no way constitutes a commitment by the State of Montana to award and execute a contract. Upon a determination such actions would be in its best interest, the State, in its sole discretion, reserves the right to:

- cancel or terminate this RFP (Mont. Code Ann. § 18-4-307, MCA);
- reject any or all proposals received in response to this RFP (ARM 2.5.602);
- waive any undesirable, inconsequential, or inconsistent provisions of this RFP which would not have significant impact on any proposal (ARM 2.5.505);
- not award if it is in the best interest of the State not to proceed with contract execution (ARM 2.5.602); or
- if awarded, terminate any contract if the State determines adequate state funds are not available (Mont. Code Ann. § 18-4-313).

SECTION 3: SCOPE OF PROJECT

3.0 INFORMATION FOR OFFERORS

3.0.1 Goal of this Request for Proposals The goals of this RFP are to improve the quality of child care offered to all Montana families, to provide low-income families access to the same high quality child care services as middle and high income families and to increase the number of slots (especially in the areas of high demand). In order to accomplish these goals facilities must be serving a minimum of 15% of their licensed/registered capacity with Best Beginnings Scholarship children at the time they submit their proposal. During the grant period the facility must dedicate a *minimum of 20% of their child care slots* for children who qualify for services under the State of Montana's Best Beginnings Scholarship program. Goals must include a plan for national accreditation through either the National Association of Education for Young Children (NAEYC), or the National Association for Family Child Care (NAFCC), or the National School-Age Care Alliance (NSACA).

This project is funded as part of the State of Montana's "Best Beginnings" quality child care initiatives and contingent upon continued Federal funding through the Child Care Development Fund.

Approximately **\$80,000** is available for Best Beginnings Child Care Provider Grants. The department anticipates funding five to eight one year projects renewable for second and third year funding depending upon facilities meeting annual performance criteria. Contract awards will be limited to a maximum of:

Centers - \$15,000 – 1st year, \$12,500 – 2nd year, \$10,000 – 3rd year;

Group Child Care Homes - \$10,000 – 1st year, \$8,500 – 2nd year, \$7,000 – 3rd year; and

Family Child Care Homes - \$5,000 – 1st year, \$4,250 – 2nd year, \$3,500 – 3rd year.

3.0.2 Who May Apply

1. Child care providers participating in the Montana Early Care and Education Practitioner Registry that have achieved Level III or higher on the career path.
2. Public, private, for-profit or non-profit licensed/registered child care providers operating full-day, full-year programs. Child care providers must be licensed or registered by either the State of Montana, or a Montana tribe operating it's own child care licensing/registration program or a federally licensed program operating in the state of Montana such as exists on Malmstrom AFB. Applications may be submitted by child care family homes, child care group homes or child care centers.
 - a. **NOTE:** Each of the seven Montana Tribes also receives direct child care funding through the CCDF. On-reservation child care providers must first contact their Tribal Block Grant Coordinator and certify that funds for this purpose are not available from the Tribal Block Grant.
 - b. **NOTE:** Any child care provider who has been awarded a Best Beginnings Provider Grant between October 1, 2001 through September 30, 2004 and has participated in any of the three years is **not** eligible to apply before October 2006.
 - c. **Note:** Any licensed or registered child care provider who has been disqualified from participation in the Child and Adult Care Food Program (CACFP) for cause is **not** eligible to apply for the Best Beginnings Child Care Provider Grant.
 - d. **Note:** Any licensed or registered child care provider while participating on the Best Beginnings Provider Grant program is disqualified from participation in the Child and Adult Care Food Program (CACFP) for cause will immediately be terminated from their Best Beginnings Provider Grant contract and will be held responsible to repay any grant monies received during the contract period.

3. Groups or individuals who qualify on the Montana Early Care and Education Practitioner registry as a **Level III** or higher practitioner on the Career Path and are interested in establishing a newlicensed/registered child care facility.

3.0.3 Background Information The Child Care Development Fund allows states to award grants and contracts for the purposes of planning, developing, improving and expanding child care services for children.

The Best Beginnings Provider Grant program seeks to award contracts to Child Care Providers who demonstrate a strong link to professionalism in the field of early childhood, a commitment to providing a high quality care in safe and healthy environments, and a commitment to the development and retention of highly skilled and knowledgeable staff.

3.0.4 Program Description and Expectations Providers who are awarded funds under this RFP must meet the following conditions and guidelines (as well as other, more specific criteria listed in other parts of this RFP):

- **Provider applicants must be participating in the Montana Early Care and Education Practitioner Registry and have attained at least Level III on the Career Path.**
- **Providers funded under this program may not participate in the Mini Grant programs.**

RATIONALE: Although, funding for the Best Beginnings Quality Child Care initiatives is limited, DPHHS is committed to investing in quality child care on the broadest possible basis. Limiting participation, to only one of the Best Beginnings child care grants programs, allows a greater number of facilities to improve the quality of services they offer so that a greater number of children will benefit.

- **Providers must agree to remain in operation and maintain a current child care license or registration certificate for the entire contract period or return all grant funds awarded during the contract year.**
- Providers must agree to recruit and serve children of families who qualify for child care services under the Montana Best Beginnings Scholarship program guidelines. Qualifying children must fill 20% of the provider's license capacity. At the time proposal is submitted the provider must show proof they are currently serving a minimum of 15% of their license capacity with Best Beginnings Scholarship children.
- Providers must be licensed or registered (no later than October 1, 2005) before grant funds are released. Include a copy of your child care license or registration or application.
- Providers must demonstrate a need for the proposed services—by presenting evidence of the need in the community.
- Child care providers or community groups submitting proposals must demonstrate involvement of parents of children to be enrolled in the program in the planning and evaluation of the project.
- Funds are to be used to improve the quality of child care services or to expand child care services to serve Montana families and communities with unmet child care needs—and must address one or more of the Montana Early Care and Education Knowledge Base content areas. The Knowledge Base content areas are: Personal Dispositions; Health, Safety and Nutrition; Child Growth and Development; Environmental Design; Child Guidance; Family and Community Partnerships; Program Management; Curriculum; Observation and Assessment; and Professionalism.
- Funds received need to be used exclusively for the purposes and approved expenses described in the contract between the provider and the department.
- Funds received need to be used for the cost for national accreditation through either the National Association of Education for Young Children (NAEYC), or the National Association

for Family Child Care (NAFCC), or the National School-Age Care Alliance (NSACA).

- Funds received under this RFP must not be used to pay for construction of a facility, make permanent improvements (except for minor remodeling to meet state licensing), or purchase vehicles. Funds may not be used as matching funds for federal funds; or to supplant or replace state, local or other funds.
- TVs, video equipment or videos are generally not allowed unless the purpose for their use is clearly defined and justified in relationship to identified crucial needs of children and families to be served by the project.
- Providers must not discriminate against children based on race, national origin, ethnic background, handicap, sex or religion.
- In selecting providers to receive awards, a higher priority will be given to providers who have not previously been funded under this DPHHS Child Care Provider Grants program.

3.0.5 Special Requirements

- **Providers must agree to remain in operation and maintain a current child care license or registration certificate for the entire contract period or return all grant funds awarded during the contract year.**
- **Category six (improvements to meet applicable state and/or local licensing/registration requirements):**

Proposals in category six that are requesting funds for minor remodeling/renovation costs in order to meet state/local licensing requirements must include documentation from the local Quality Assurance Division child care licensing specialist, or the appropriate community professional such as a county health worker or Fire Marshall, that such remodeling/renovation work is necessary to meet licensing or registration requirements.

- **Category seven (school-age child care programs for children from Kindergarten through age 12 needing care before and after school):**

School-age care proposals will be accepted from providers whose intent is to expand and improve the availability and quality of school-aged child care programs. Priority among school-age care proposals will be given to full-year school-age child care programs.

School-age child care proposals need to include a separate schedule of activities targeted to various age groups. Activities that are different from usual school activities must be available.

3.0.6 Contents and Format of Proposal

- Contents: A proposal must contain all of the following elements arranged in the following order:

Application Form;

- Purpose of the Proposal;
- Facility experience and capabilities;
- Service to Children Who Qualify for Best Beginnings Scholarship Program;
- Project Description;
- Evaluation, Performance Standards and Future Financial Support;
- Budget and Budget Narrative;
- Assurances; and
- Attachments.

Application form: Applications in response to this Request for Proposal must be submitted on the attached **application form**, which includes a cover sheet and two attachments. (The application form provides space for all the information needed in order to submit a proposal. Additional pages beyond the form itself may be attached, if necessary). A point-by-point response to all numbered sections, subsections, and appendices is required. Proposals must be typed, using 12-point font, printed on one-side of the paper, and the original bound together in a 1" loose-leaf binder (no staples). **Proposals are limited to 20 pages.**

➤ Proposals must be organized in the following order:

- a) Section 1 – Purpose of the Proposal
- b) Section 2 – Experience
 - Summary of current program operation
 - Qualifications and work experience
 - Montana Early Care and Education Practitioner Registry and Career Path verification
 - Applicable resumes
- c) Section 3 – Service to Best Beginnings Scholarship children
 - Verification
- d) Section 4 – Project Description
 - Summary
 - Goals, objectives and methods
 - Description and justification of need
 - Letters of support and involvement from parents and applicable community partners
- e) Section 5 – Evaluation and Future Financial Support
 - Written Evaluation Plan
 - Performance standards and future financial support
- f) Section 6 – Budget
- g) Assurances and required attachments

In completing the application form, be brief and to the point – but be sure to provide sufficient information and detail to allow for adequate understanding and evaluation of the proposal.

3.1 BEST BEGINNINGS CHILD CARE PROVIDER GRANT APPLICATION SECTION

3.1.1 Goals of the Proposal:

Section 1

- The goals of the Best Beginnings Child Care Provider Grant are to improve the quality of child care offered to all Montana families, to provide low income families access to the same high quality child care services as middle and high income families and to increase the number of slots (especially in the areas of high demand). Goals must include a plan for national accreditation through either the National Association of Education for Young Children (NAEYC), or the National Association for Family Child Care (NAFCC), or the National School-Age Care Alliance (NSACA).

This section of your application must provide an overview of how your project will meet these goals.

3.1.2 Experience:

Section 2

- Check the type of care you are currently providing.
- Fill in the number of years you have been in operation.
- Fill in the number of children you are currently serving. Include full and part time children.
- Fill in your current staff to child ratio.
- Fill in the number of Best Beginnings Scholarship children currently in your care.
(Must be a minimum of 15% of your licensed/registered capacity)

Section 2(a) Summary of your program operation

- Present a summary description of your current program operation and an overview of type of care provided. Include a description of your program's strengths and weaknesses. Include a sample of a daily schedule, or weekly schedule, or monthly schedule.

When evaluating your program, it is recommended that you utilize the Montana Early Care and Education Knowledge Base (2nd edition) as a self-assessment tool to determine areas of strength or weakness. Your project should ideally be tailored to address those areas of the Knowledge Base that need attention.

Section 2(b) Qualifications and work experience

This section of the application should identify and describe relevant work experience and education for you and any other primary child care staff. **Resumes' and copies of the Montana Early Care and Education Practitioner Registry certificates for the provider applicant and primary care giving staff must be attached.**

NOTE: Only the provider-applicant is required to participate in the practitioner registry for purposes of establishing eligibility under this RFP. Staff participation in the Practitioner Registry is not required for first year funding; however, if any of your primary care giving staff is participating in the Practitioner Registry copies of their certification of level on the Career Path should be attached along with their resume.

3.1.3 Service To Children Who Qualify For Best Beginnings Scholarship Program

Section 3(a) Expansion

In order to increase the availability of good child care, providers are encouraged to expand the ability to serve a greater number of children. Expansion projects may mean upgrading from a family home to a group home, or a group home to a center. Additional staff and resources are needed to accomplish this goal.

Fill in the category of licensure or registration you plan to attain (center, group, family). If you are not planning to change your license or registration category, list what you currently are.

Fill in the number of increased staff you will require to achieve your expansion goal.

Service to Children Who Qualify for Best Beginnings Scholarship program:

In order to participate in the Best Beginnings Child Care Provider Grants program, applicants must be serving a minimum of 15% of their licensed/registered capacity with

Best Beginnings scholarship children and after award of this grant must dedicate 20% of your child slots for this population.

Slots are defined by service hours.

One slot = 6 hours per day x number of days in operation for the month (21), x twelve months.

(6hrs x 21 days x 12 mos = 1512 service hours per year)

EXAMPLE

LICENSE/REGISTRATION CAPACITY	MINIMUM SLOTS FOR SCHOLARSHIP CHILDREN	ANNUAL REQUIRED SERVICE HOURS
6	1.2	1814.4
12	2.4	3630.8
40	8	12,096

Enter the number of children approved for service on your license or registration certificate. If you are expanding, enter the number you will be licensed for as of October 1, 2005.

Enter the number of child slots who qualify and are being served by the Best Beginnings Scholarship program. ***This number must be at least 15% of the license capacity, although it may be more.***

Documentation is required. Providers must provide documentation of service to qualifying children. Please include copies of current certification plans.

Enter the number of dedicated slots to meet a minimum of 20% of children who qualify for services under the Best Beginnings Child Care Scholarship program. The number of low-income children served must equal or exceed 20% of the license or registration capacity during the contract year.

Parents, who believe they may qualify, must apply at the district Child Care Resource and Referral (CCR&R) agency. These families must pay their Child Care providers a monthly co-payment. The amount of this co-payment by parents will be calculated by the CCR&Rs using the Montana Sliding Fee Scale chart. There are twelve Child Care Resource & Referral agencies in Montana, and their services cover all counties in the state. These CCR&R offices are located in Billings, Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Kalispell, Lewistown, Miles City, and Missoula.

3.1.4 Project Description:

Section 4(a) Summary:

In a narrative format describe your proposed project. Include the following elements in the narrative.

1. An overview of the proposed project;
2. An explanation of how the project enhances the provider's ability to meet the needs of young children as identified in the Montana Early Care and Education Knowledge Base.
3. A description of the Knowledge Base Content area/s the project will address. The Knowledge Base Content areas are: Personal Dispositions; Health, Safety and Nutrition; Child Growth and Development; Environmental Design; Child Guidance; Family and Community Partnerships; Program Management; Curriculum; Observation and Assessment; and Professionalism. Copies of the Montana Early Care and Education

Knowledge Base may be obtained from the Early Childhood Services Bureau, PO Box 202952, Helena, MT 59620-2952 1-866-239-0458; or from the Montana Early Childhood Career Development Center, 117 Herrick Hall, MSU-Bozeman, Bozeman, MT 59717 (800) 213-6310.

Section 4(b) Purpose, Objectives and Methods:

1. Identify the specific measurable goals and objectives this project is intended to accomplish.
2. Identify the specific methods, means and actions you will utilize to implement these goals and objectives.
3. Include a 3-year work plan with measurable action steps and anticipated completion time lines/dates for each goal and objective.

EXAMPLE: The goal is to provide a safe play area for day care children as required to meet the State of Montana's licensing/registration requirements.

Methods:

1. Obtain bids from two contractors in order to complete the work.
2. Hire a contractor to install a fence in the spring of 2006.
3. The fence will be completed by May 1, 2006.
4. Arrange for your licensing specialist to inspect the completed work.

Section 4(c) Description and justification of need:

This section of the application must identify information about why the proposed project is **needed in the community**.

1. Please include information concerning how the proposal, if awarded, will meet the needs of low-income families, rural communities, children with disabilities or school age care or other need. If you are applying for funds to assist in complying with state/local licensing requirements, include documents that validate the need for the funds for this purpose. (A written statement from a QAD Child Care Licensing Specialist, a county health worker or other community professional).
2. Explain how parents are involved in the project. Include information that gives details about how parents have been involved in the planning of this project and how parents will be involved in evaluating the project.
3. Letters of support and commitment to coordination are also necessary.
4. Attach letters of support and involvement from parents, including those parents of children who attend child care in your facility or who will attend your facility if your project is funded.
5. Include letters of support and coordination from appropriate community groups, showing that the proposed project will not duplicate child care services already operating in your community. You may include letters of support from individuals other than family members or employees.

3.1.5 Evaluation, Performance Standards and Future Financial Support:

Section 5 (a) Evaluation

Project Evaluation:

You must include a written plan for evaluation of the project's success.

Section 5 (b) Performance Standards and Future Financial Support:

This provider grant contract is renewable on an annual basis for a period of up to three years based on contractor performance.

1. Supply information about how your program intends to meet the performance standards required to receive second and third year funding.
2. Describe your plan for supporting your program in the future once grant funds have been expended.

Performance Standards for Second and Third Year Funding:

In order to renew for a **second year** the facility must:

- The provider must demonstrate a strong commitment to provide service to Best Beginnings Scholarship children. Best Beginnings Scholarship children must fill 20% of their licensed/registered capacity. This will be monitored utilizing the service hours reported on the CCUBS system (child care computer system) throughout the contract period.
- In addition, 50% of the primary care giving staff at a Group Child Care Home or Center must be recognized on the Montana Early Care and Education Practitioner Registry and have attained a Level III or higher status on the Career Path by the end of the first year or show proof that they are actively enrolled in Early Childhood college coursework or a recognized CDA program.

In order to be funded for a **third year**:

- The provider must continue to meet the above requirements and by the end of the second year, complete the NAEYC or NAFCC accreditation process or at a minimum have a scheduled validator visit and/or in the case of a Head Start/Child Care collaborative program (centers, only), meet Head Start performance standards.

3.1.6 Budget: This section provides the financial information and describes the financial practices of the proposer by which the Department can assess the appropriateness and cost-effectiveness of service delivery.

Section 6

The **maximum** annual grant awards are as follows:

Centers - \$15,000 – 1st year, \$12,500 – 2nd year, \$10,000 – 3rd year;
Group Child Care Homes - \$10,000 – 1st year, \$8,500 – 2nd year, \$7,000 – 3rd year; and
Family Child Care Homes - \$5,000 – 1st year, \$4,250 – 2nd year, \$3,500 – 3rd year.

Budget totals may not exceed the above amounts.

The following budget information must be included:

- a) Budget for this Project – list each line item amount you are requesting. Allowable costs: include salary, fringe benefits, travel per diem, training, rent, consumable supplies, materials, child care equipment, postage and printing, and accreditation costs (if you are participating in the Best Beginnings Provider Grant you will **not** be eligible for an accreditation scholarship through The Early Childhood Project.
- b) Budget narrative – explain in detail each line item from Attachment B budget. Include personnel, fringe benefits, rent consumable materials and supplies, equipment, accreditation costs and other costs needed for expansion or improvement. Attach supporting documentation such as bids; estimates or price lists if available.
- c) Previous year's operating budget – a description of the total expenditures and total income from all sources, for your entire child care facility's operation for the previous

fiscal year. If you are starting a new facility you must prepare a projection of anticipated income and expenses.

- d) The name, address and phone number of the financial officer or other responsible person designated by the applicant organization.

3.1.7 Assurances: This section requires the Offeror to provide the Department with the documents of compliance and the assurances necessary to ascertain that the Offeror's organization is legally and otherwise acceptable as a contractor.

By submitting a proposal, the Offeror is assuring the Department that it is in compliance with the general and labor law assurances stated in this section.

The contractor is responsible for determining which requirements and assurances are applicable to the Contractor and its subcontractors and for assuring compliance by its subcontractors with those that are applicable to the subcontractors.

The documents noted in this section must be signed by the Offeror and submitted to the Department with the proposal.

Failure to abide by these assurances or to provide the Department with documents of compliance during the course of contracting is cause for termination of the contract by the Department.

1. Documents of Compliance

The Offeror must submit to the Department:

- a) Verification of workers' compensation coverage for any paid program employee.
- b) A copy of the child care license or registration certificate.
- c) Proof of incorporation, non-profit status,
- d) In the case of a sole-proprietor, an Independent Contractor's exemption will be required when Offeror is offered a contract.

NOTE: Montana Department of Labor & Industry has changed the process for independent contractor exemption certificate (ICEC) application due to a change in law. The fee is \$125 per application, for a two-year period. All applicants must accumulate 15 points or more for the occupation listed, to receive an exemption certificate. For further information please refer to <http://www.mtcontractor.com>

2. General Assurances

The Offeror assures the Department that it conducts its business in accordance with all federal and state legal authorities that are applicable to its operation.

3. Labor Law Assurances

The Offeror assures the Department that it is either an incorporated entity that maintains necessary and appropriate workers' compensation and unemployment insurance coverage or an independent contractor, as certified by the Montana Department of Labor.

- o The Offeror assures the Department that it is to be solely responsible for and must meet all legal requirements pertaining to its activities and employees, including payment of all applicable taxes, premiums, deductions, withholdings, overtime and other obligations which may be legally required with respect to the

Offeror, as a legal entity, and the employment and use of all persons providing services for the Offeror's/contractor's performance under contract.

4. Federal Assurances – Forms to Be Submitted

The Offeror must sign the federal OMB 424B (Rev. 7-97) form, known as “Assurances – Non-Construction Programs”, and the Department’s “Certification of Compliance with Certain Requirements for Department of Public Health and Human Services (6-99)”. Those documents specify requirements and assurance in addition to those appearing in this RFP and the contract. The signature of the Offeror on the forms is assurance to the Department and the relevant federal entities the Offeror is aware of and is in compliance with the requirements stated on the forms. Copies of the forms are available from the Department. The Department’s form encompasses several federal requirements for assurance that do not appear in OMB 424B.

The Offeror must assure the Department that it is in compliance with the federal laws and regulations governing political and lobbying activities as stated in “Contract for Services Format”. The successful Offeror may need to complete the federal Standard form LLL, “Certification Regarding Lobbying”.

5. State Assurances

The Offeror, in addition to the state law requirements specified in the contract and any attachments to the contract, must comply with the applicable state law requirements and assurances for recipients of state monies provided in the Department's “CERTIFICATION OF COMPLIANCE WITH CERTAIN REQUIREMENTS FOR DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6-99)”. Copies of the form are attached to this RFP. While the Department’s form encompasses numerous federal requirements for assurance, completion of the form is for assurance of the state law requirements that appear in the form.

6. Best Beginnings Program Assurance

The offeror must agree to certain Best Beginnings program requirements. These requirements include certain conditions regarding before and after school care programs, parent involvement, licensing and registration provisions, community involvement, facility agreements if needed, and service to children who qualify for state paid assistance. Failure to read and sign the assurance page will disqualify the proposal from consideration.

3.1.8 Attachments: The following items must be attached to the proposal:

- a) Proof of Workers’ Compensation Coverage or Independent Contractor’s Exemption

NOTE: if you are a sole proprietor entering into a contract with the State of Montana, an Independent Contractor’s Exemption may be obtained from the local Job Service or the Montana Department of Labor, PO Box 8011, Helena, MT 59604-8011, (406) 444-1446. There is a fee to obtain the Independent

Contractor's Exemption certificate, however, it is effective for a period of two years. This is only required if you are offered a contract.

- b) OMB 424B (Rev. 7-97) form, "ASSURANCES – NON-CONSTRUCTION PROGRAMS";
- c) The Department's 'CERTIFICATION OF COMPLIANCE WITH CERTAIN REQUIREMENTS FOR DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6-99)";
- d) Proof of applicable incorporation, non-profit or government status;
- e) A current copy of the child care license or registration certificate;
- f) The Best Beginnings program assurances form;
- g) Letters of support and coordination from appropriate community groups and/or agencies; and
- h) Letters of support and coordination from parents.

SECTION 4: OFFEROR QUALIFICATIONS

4.0 STATE'S RIGHT TO INVESTIGATE AND REJECT

The State may make such investigations as deemed necessary to determine the ability of the offeror to provide the supplies and/or perform the services specified. The State reserves the right to reject any proposal if the evidence submitted by, or investigation of, the offeror fails to satisfy the State that the offeror is properly qualified to carry out the obligations of the contract. *This includes the State's ability to reject the proposal based on negative references.*

SECTION 5: EVALUATION CRITERIA

5.0 EVALUATION CRITERIA

Review Process:

- Proposals will be screened for completeness by the ECSB staff. Any changes or notations made by ECSB staff will be marked in red.
- Proposals received after 5 p.m. on August 12, 2005 will not be considered.
- Incomplete proposals will not be considered.
- The ECSB will do a math check on the budgets and budget narrative.
- Proposals will be scored in the following manner:
 1. Each proposal will be read by at least 2 readers.

Proposals will be scored using the process outlined in the grant application instructions. Points will be given in the following manner:

SCORING GUIDE

A maximum total number of points available is set out in the RFP's evaluation criteria section. Each category of evaluation criteria will be broken down further with points assigned to each. In awarding these points, please consider the following guidelines:

Superior Response (95-100%): A superior response will be a highly comprehensive, excellent reply that meets all of the requirements of the areas within that category. In addition, the response covers areas not originally addressed within the RFP category and includes additional information and recommendations that would prove both valuable and beneficial to the agency. This response is considered to be an excellent standard, demonstrating the offeror's authoritative knowledge and understanding of the project.

Very Good Response (85-94%): A very good response will provide useful information, while showing experience and knowledge within the category. The proposal is well thought out and addresses all requirements set forth in the RFP. The offeror provides insight into their expertise, knowledge and understanding of the subject matter.

Good Response (75-84%): A good response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter. This response demonstrates an above average performance with no apparent deficiencies noted.

Fair Response (65-74%): A fair response meets the requirements in an adequate manner. This response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by offeror.

Poor Response (60-64%): A poor response minimally meets most requirements set forth in the RFP. The offeror has demonstrated knowledge of the subject matter only.

Failed Response (0-59%): A failed response does not meet the requirements set forth in the RFP. The offeror has not demonstrated knowledge of the subject matter.

5.1 Evaluation Committee The evaluation committee will review and evaluate the offers according to the following criteria based on **a maximum possible value of 105 points**.

Responsive/Non-responsive

Pass/Fail

Purpose of the Proposal

Category

Section of RFP

Point Value

3.1.1

10

Minimum points necessary 5

This section is an evaluation of information related to the offeror's proposal to improve the quality of child care offered to all Montana families and the ability to provide low-income families access to high quality child care services and to increase the number of slots.

Offeror's Experience and Capabilities

Category

Section of RFP

Point Value

3.1.2

20

Minimum points necessary 10

This section is an evaluation of information related to the offeror's facility, personnel, and experience that would substantiate its qualifications and capabilities to perform the services described. The evaluation includes:

- Type of care currently provided;
- Summary of program operation;
- Experience of facility in delivery of the sought after services or services similar to the sought after services; and
- Qualifications and work experience of staff (resumes and Practitioner Registry Certificates)

Service to Best Beginnings Scholarship Children

Category

Section of RFP

Point Value

3.1.3

5

The evaluation includes:

- 15% of licensed/registered capacity is served at time of proposal submittal
- Must dedicate a minimum of 20% of licensed/registered capacity during contract year
- Planned expansion
- Verification of 15% and 20% with certification plans

Project Description

Category

Section of RFP

Point Value

3.1.4

30

Minimum Points necessary 15

This section is an evaluation of information presented by the offeror to substantiate the offeror's understanding of the duties and responsibilities and to determine the feasibility and quality of the offeror's proposed project. This section includes evaluation of:

- Summary of offeror's project;

- Goals, objectives and methods with 3-year timeline;
- Description and justification of need;
- Letters of Community Support and Coordination; and
- Parental support and involvement.

Performance Standards and Future Financial Support

Category	Section of RFP	Point Value
	3.1.5	15
		Minimum Points necessary 10

This section is an evaluation of information presented by the offeror to substantiate the offeror's understanding of the performance standards required and the feasibility and quality of future financial support. This section includes evaluation of:

- Project evaluation
- Performance Plan
- Future Financial Support

Budget

Category	Section of RFP	Point Value
	3.1.6	20
		Minimum points necessary 10

This section includes an evaluation of the proposed budget to determine whether the offeror has an appropriate budget proposal for purposes of adequate and competent performance of the contractual duties and responsibilities. This section includes evaluation of:

- Proposed budget is clearly-developed, described and explained;
- Budget narrative supports expenditures as reasonable and appropriate; and
- Previous year's facility operating budget is clearly developed and described.

Assurances

Pass/Fail

Federal regulations require that potential offeror's sign and return with their proposal:

Attachment C:	Certification of Compliance with Certain Requirements for DPHHS Contractors
Attachment D:	Best Beginnings Program Assurance
Attachment E:	Sources of Information on the Privacy, Transactions and Security Requirements Pertaining to Health Care Information of the Federal Health Insurance Portability and Accountability Act (HIPAA)
Attachment F:	Proof of Workman's Compensation
Attachment G:	Proof of applicable incorporation, non-profit or government status
Attachment H:	Assurances – Non Construction Programs (SF 424B – Rev 7-97)
	http://www.whitehouse.gov/omb/grants/grants_forms.html

Attachment I: Certificate of registration with the Montana Secretary of State. To obtain registration materials, call the Office of the Secretary of State at (406) 444-3665, or visit their website at <http://www.sos.state.mt.us>.

If your organization is debarred or suspended from receiving federal funds and you wish to apply, please contact Susan White, Procurement Officer, DPHHS/HCSB, Early Childhood Services Bureau.

Priority bonus: Offeror has never received a provider grant in the past.	Point Value 5
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APPENDIX A: STANDARD TERMS AND CONDITIONS

Standard Terms and Conditions

By submitting a response to this invitation for bid, request for proposal, limited solicitation, or acceptance of a contract, the vendor agrees to acceptance of the following Standard Terms and Conditions and any other provisions that are specific to this solicitation or contract.

ACCEPTANCE/REJECTION OF BIDS, PROPOSALS, OR LIMITED SOLICITATION RESPONSES: The State reserves the right to accept or reject any or all bids, proposals, or limited solicitation responses, wholly or in part, and to make awards in any manner deemed in the best interest of the State. Bids, proposals, and limited solicitation responses will be firm for 30 days, unless stated otherwise in the text of the invitation for bid, request for proposal, or limited solicitation.

ACCESS AND RETENTION OF RECORDS: The contractor agrees to provide the department, Legislative Auditor, or their authorized agents, access to any records necessary to determine contract compliance (Mont. Code Ann. § 18-1-118). The contractor agrees to create and retain records supporting the services rendered or supplies delivered for a period of three years after either the completion date of the contract or the conclusion of any claim, litigation, or exception relating to the contract taken by the State of Montana or third party.

ALTERATION OF SOLICITATION DOCUMENT: In the event of inconsistencies or contradictions between language contained in the State's solicitation document and a vendor's response, the language contained in the State's original solicitation document will prevail. Intentional manipulation and/or alteration of solicitation document language will result in the vendor's disqualification and possible debarment.

ASSIGNMENT, TRANSFER AND SUBCONTRACTING: The contractor shall not assign, transfer or subcontract any portion of the contract without the express written consent of the department. (Mont. Code Ann. § 18-4-141.)

AUTHORITY: The following bid, request for proposal, limited solicitation, or contract is issued under authority of Title 18, Montana Code Annotated, and the Administrative Rules of Montana, Title 2, chapter 5.

COMPLIANCE WITH LAWS: The contractor must, in performance of work under the contract, fully comply with all applicable federal, state, or local laws, rules and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Any subletting or subcontracting by the contractor subjects subcontractors to the same provision. In accordance with section 49-3-207, MCA, the contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the contract.

CONFORMANCE WITH CONTRACT: No alteration of the terms, conditions, delivery, price, quality, quantities, or specifications of the contract shall be granted without prior written consent of the State Procurement Bureau. Supplies delivered which do not conform to the contract terms, conditions, and specifications may be rejected and returned at the contractor's expense.

DEBARMENT: The contractor certifies, by submitting this bid or proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded

from participation in this transaction (contract) by any governmental department or agency. If the contractor cannot certify this statement, attach a written explanation for review by the State.

DISABILITY ACCOMMODATIONS: The State of Montana does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Individuals, who need aids, alternative document formats, or services for effective communications or other disability-related accommodations in the programs and services offered, are invited to make their needs and preferences known to this office. Interested parties should provide as much advance notice as possible.

FACSIMILE RESPONSES: Facsimile responses will be accepted for invitations for bids, small purchases or limited solicitations ONLY if they are completely received by the State Procurement Bureau prior to the time set for receipt. Bids, or portions thereof, received after the due time will not be considered. Facsimile responses to requests for proposals are ONLY accepted on an exception basis with prior approval of the procurement officer.

FAILURE TO HONOR BID/PROPOSAL: If a bidder/offeror to whom a contract is awarded refuses to accept the award (PO/contract) or, fails to deliver in accordance with the contract terms and conditions, the department may, in its discretion, suspend the bidder/offeror for a period of time from entering into any contracts with the State of Montana.

FORCE MAJEURE: Neither party shall be responsible for failure to fulfill its obligations due to causes beyond its reasonable control, including without limitation, acts or omissions of government or military authority, acts of God, materials shortages, transportation delays, fires, floods, labor disturbances, riots, wars, terrorist acts, or any other causes, directly or indirectly beyond the reasonable control of the non-performing party, so long as such party is using its best efforts to remedy such failure or delays.

HOLD HARMLESS/INDEMNIFICATION: The contractor agrees to protect, defend, and save the State, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, causes of action of any kind or character, including the cost of defense thereof, arising in favor of the contractor's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the contractor and/or its agents, employees, representatives, assigns, subcontractors, except the sole negligence of the State, under this agreement.

LATE BIDS AND PROPOSALS: Regardless of cause, late bids and proposals will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's risk to assure delivery at the designated office by the designated time. Late bids and proposals will not be opened and may be returned to the vendor at the expense of the vendor or destroyed if requested.

PAYMENT TERM: All payment terms will be computed from the date of delivery of supplies or services OR receipt of a properly executed invoice, whichever is later. Unless otherwise noted in the solicitation document, the State is allowed 30 days to pay such invoices. All contractors will be required to provide banking information at the time of contract execution in order to facilitate State electronic funds transfer payments.

REFERENCE TO CONTRACT: The contract or purchase order number MUST appear on all invoices, packing lists, packages and correspondence pertaining to the contract.

REGISTRATION WITH THE SECRETARY OF STATE: Any business intending to transact business in Montana must register with the Secretary of State. Businesses that are incorporated in another state or country, but which are conducting activity in Montana, must determine whether they are transacting business in Montana in accordance with sections 35-1-1026 and 35-8-1001, MCA. Such businesses may want to obtain the guidance of their attorney or accountant to determine whether their activity is considered transacting business.

If businesses determine that they are transacting business in Montana, they must register with the Secretary of State and obtain a certificate of authority to demonstrate that they are in good standing in Montana. To obtain registration materials, call the Office of the Secretary of State at (406) 444-3665, or visit their website at <http://www.sos.state.mt.us>.

SEPARABILITY CLAUSE: A declaration by any court, or any other binding legal source, that any provision of the contract is illegal and void shall not affect the legality and enforceability of any other provision of the contract, unless the provisions are mutually dependent.

SOLICITATION DOCUMENT EXAMINATION: Vendors shall promptly notify the State of any ambiguity, inconsistency, or error, which they may discover upon examination of a solicitation document.

TAX EXEMPTION: The State of Montana is exempt from Federal Excise Taxes (#81-0302402).

TECHNOLOGY ACCESS FOR BLIND OR VISUALLY IMPAIRED: Contractor acknowledges that no state funds may be expended for the purchase of information technology equipment and software for use by employees, program participants, or members of the public unless it provides blind or visually impaired individuals with access, including interactive use of the equipment and services, that is equivalent to that provided to individuals who are not blind or visually impaired. (Mont. Code Ann. § 18-5-603.) Contact the State Procurement Bureau at (406) 444-2575 for more information concerning non-visual access standards.

TERMINATION OF CONTRACT: Unless otherwise stated, the State may, by written notice to the contractor, terminate the contract in whole or in part at any time the contractor fails to perform the contract.

UNAVAILABILITY OF FUNDING: The contracting agency, at its sole discretion, may terminate or reduce the scope of the contract if available funding is reduced for any reason. (Mont. Code Ann. § 18-4-313 (3).)

U.S. FUNDS: All prices and payments must be in U.S. dollars.

VENUE: the laws of Montana govern this solicitation. The parties agree that any litigation concerning this bid, request for proposal, limited solicitation, or subsequent contract, must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana, and each party shall pay its own costs and attorney fees. (Mont. Code Ann. § 18-1-401.)

WARRANTIES: The contractor warrants that items offered will conform to the specifications requested, to be fit and sufficient for the purpose manufactured, of good material and workmanship and free from defect. Items offered must be new and unused and of the latest model or manufacture, unless otherwise specified by the State. They shall be equal in quality and performance to those indicated herein. Descriptions used herein are specified solely for the purpose of indicating standards of quality, performance and/or use desired. Exceptions will be rejected.

X. DEPARTMENT CERTIFICATION FORM**ATTACHMENT C****CERTIFICATION OF COMPLIANCE WITH CERTAIN REQUIREMENTS FOR DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES CONTRACTORS
(MAY 2003)**

The Contractor, _____, for the purpose of contracting with the Montana Department of Public Health & Human Services, certifies to the Department its compliance, as may be applicable to it, with the following:

- A. That the Contractor does not act in collusion with other contractors for the purpose of gaining unfair advantages for it or other contractors or for the purpose of providing the services at a noncompetitive price or otherwise in a noncompetitive manner.
- B. That the Contractor is an independent contractor; that it maintains necessary and appropriate workers compensation and unemployment insurance coverage; that it is solely responsible for and must meet all labor and tax law requirements pertaining to its employment and contracting activities, inclusive of insurance premiums, tax deductions, tax withholding, overtime wages and other employment obligations that may be legally required with respect to it.
- C. That the Contractor, any employee of the Contractor, or any significant subcontractor in the performance of the duties and responsibilities of the proposed contract, are not currently suspended, debarred, or otherwise prohibited from entering into a federally funded contract or participating in the performance of a federally funded contract.
- D. That the Contractor is in compliance with all of the privacy, electronic transmission, coding and other requirements of the Health Insurance Portability And Accountability Act of 1996 and its implementing rules as may be applicable to the Contractor.
- E. That the Contractor, if receiving federal monies, does not expend federal monies in violation of federal legal authorities prohibiting expenditure of federal funds on lobbying federal and state legislative bodies or for any effort to persuade the public to support or oppose legislation.
- F. That the Contractor, if receiving federal monies, prohibits smoking at any site of federally funded activities that serve youth under the age of 18. This is not applicable to sites funded with Medicaid monies only or to sites used for inpatient drug or alcohol treatment.
- G. That the Contractor, if receiving federal monies, maintains drug free environments at its work sites, providing required notices, undertaking affirmative reporting, et al., as required by federal legal authorities.
- H. That the Contractor manages any real, personal, or intangible property purchased or developed with federal monies in accordance with federal legal authorities.
- I. That the Contractor, if receiving federal monies, is not delinquent in the repayment of any debt owed to a federal entity.
- J. That the Contractor, if expending federal monies for construction purposes or otherwise for property development, complies with federal legal authorities relating to flood insurance, historic properties, relocation assistance for displaced persons, elimination of architectural barriers, metric conversion, and environmental impacts.

- K. That the Contractor, if expending federal monies for research purposes, complies with federal legal authorities relating to use of human subjects, animal welfare, bio-safety, misconduct in science and metric conversion.
- L. That the Contractor, if receiving \$100,000 or more in federal monies, complies with all applicable standards and policies relating to energy efficiency which are contained in the state energy plan issued in compliance with the federal Energy Policy and Conservation Act.

The Contractor is obligated during the duration of the contractual relationship to abide by those requirements pertinent to it in accordance with the governing legal authorities.

Not all of these assurances may be pertinent to the Contractor's circumstances. This certification form, however, is standardized for general use and signing it is intended to encompass only provisions applicable to the circumstances of the Contractor in relation to the federal and state monies that are being received.

These assurances are in addition to those stated in the federal OMB 424B (Rev. 7-97) form, known as "**ASSURANCES - NON-CONSTRUCTION PROGRAMS**", issued by the federal Office of Management of the Budget (OMB). Standard Form 424B is an assurances form that must be signed by the Contractor if the Contractor is to be in receipt of federal monies.

There may be program specific assurances, not appearing either in this form or in the OMB Standard Form 424B, that the Contractor may have to provide by certification.

This form, along with OMB Standard Form 424B, are to be provided with original signature to the Department's contract liaison. The Department maintains the completed forms in the pertinent purchase and contract files.

Further explanation of several of the requirements certified through this form may be found in the Department's standard Request For Proposal (RFP) format document, standard contracting requirements document, and set of standard contract provisions. In addition, detailed explanations of federal requirements may be obtained through the Internet at sites for the federal departments and programs and for Office for Management of the Budget (OMB) and the General Services Administration (GSA).

INSERT NAME OF CONTRACTOR

By: _____ Date _____

Typed/Printed Name as _____
Title

Address

Phone Number

Federal I.D. Number

The Department's "POLICY ON STANDARD CONTRACTUAL TERMS" has been prepared by the DPHHS Office of Legal Affairs.

Attachment D : BEST BEGINNINGS PROGRAM ASSURANCES

BEST BEGINNINGS PROGRAM ASSURANCES

I/We as a Child care facility assure the following:

1. The project will be a full-day, full-year program and will seek to enroll racially, ethnically and economically diverse children, as well as children with disabilities and specifically those categories of children that are specified and targeted in the application/proposal.

Check one of the following, if this is an application submitted by school-age child care programs. The school-age child care program will operate:

- ☐ (a) only during the school year.
☐ (b) during the entire year.

(Note: Applications may be submitted by school-age child care programs operating only during the school year, but priority among school-age proposals will be given to full-year school-age child care programs.)

2. The parents of children have been involved in the development of the project and will be involved in its implementation and evaluation. (Note: Include, in your application, letters of support and involvement from parents.)

3. Check one of the following: State licensing/registration requirements have been investigated and
☐ (a) the program is currently licensed or registered.
☐ (b) we have taken steps to initiate registration or licensing.

(Note: Providers must be licensed or registered before grant funds are released. Include a copy of your child care license or registration - or evidence that you have taken steps to initiate registration or licensing as part of your application).

4. The program will be coordinated with other community agencies and programs, and the proposed program will not duplicate other child care services already operating in the community. (Note: Include letters of support and coordination from appropriate community groups and individuals.)

5. If the provider has entered into an agreement with the local educational agency, institution of higher education or community center for the use of the facility of child care services, including holidays and school vacation periods, then any restrictions on the use of the space and the times when the space will be available for the provider must be in the agreement.

6. Service must be provided to **low-income families**. The provider agrees to dedicate 20% or more of their child care slots to serve children eligible for services under the state of Montana's Sliding Fee Scale program. **The provider must have 15% Best Beginnings Scholarship children enrolled and receiving services at the time proposal is submitted.**

Organization _____

Title

Date

Authorized Signature

Attachment E: HIPAA

SOURCES OF INFORMATION ON THE PRIVACY, TRANSACTIONS AND SECURITY REQUIREMENTS PERTAINING TO HEALTH CARE INFORMATION OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The following are sources of information concerning the applicability of and implementation of the privacy, transactions and security requirements of HIPAA. The Department Of Public Health & Human Services requires that contractors generating, maintaining, and using health care information in relation to recipients of State administered and funded services be compliant with the requirements of HIPAA.

There can be difficulty in interpreting the applicability of HIPAA to an entity. It is advisable to retain knowledgeable consultants or attorneys to advise concerning determinations of applicability.

Those parties maintaining them may change Websites specified here without notice.

FEDERAL RESOURCES

The following are official federal resources in relation to HIPAA requirements. These are public sites.

1) U.S. Department Of Health & Human Services / Centers For Medicare & Medicaid Services

www.cms.gov/hipaa

The federal Department Of Health & Human Services / Centers For Medicare & Medicaid Services (CMS) provides information pertaining to transactions, security and privacy requirements under HIPAA including the adopted regulations and various official interpretative materials. CMS is responsible for the implementation nationally of the transactions and security aspects of HIPAA.

2) U.S. Department Of Health & Human Services / Office Of Civil Rights

www.hhs.gov/ocr/hipaa

The federal Department Of Health & Human Services / Office Of Civil Rights (OCR) provides information pertaining to privacy requirements under HIPAA including the adopted regulations and various official interpretative materials. This site includes an inquiry service. OCR is responsible for the implementation of the privacy aspects of HIPAA and serves as both the official interpreter for and enforcer of the privacy requirements.

3) U.S. Department Of Health & Human Services / Centers For Disease Control & Prevention

www.cdc.gov/privacyrule

The federal Department Of Health & Human Services / Centers For Disease Control & Prevention (CDC) provides information pertaining to the application of privacy requirements under HIPAA to public health activities and programs.

OTHER NATIONAL PUBLIC RESOURCES

WEDI/SNIP

www.wedi.org/snip

The Workgroup For Electronic Data Interchange is a collaborative national effort, inclusive of the federal entities, that has undertaken a broad effort at the implementation of HIPAA, in particular the electronic

transactions and security aspects, known as the Strategic National Implementation Process. There are several regional and state based WEDI/SNIP efforts. There is not one, however, that covers Montana.

STATE RESOURCES

1) Montana Collaborative Website

www.hipaamontana.com

This site is a collaborative website of several entities, including the Department Of Public Health & Human Services, that provides information to the public on HIPAA as it relates to entities in Montana. The Department's policies and forms, pertaining to implementation of HIPAA, appear at this site. This site also provides an analysis as to the interplay of HIPAA with Montana laws on confidentiality.

2) Department Website For Medicaid Providers

www.mtmedicaid.org

This site provides information for providers of services funded with Medicaid monies. HIPAA requirements in relation to Medicaid state plan services are described at this site.

PROVIDER ASSOCIATIONS

Many national and state provider associations have developed extensive resources for their memberships concerning HIPAA requirements. Those are important resources in making determinations as to the applicability and implementation of HIPAA.

CONSULTANT RESOURCES

There are innumerable consulting resources available nationally. The Department does not make recommendations or referrals as to such resources. It is advisable to pursue references before retaining any consulting resource. Some consulting resources have proven to be inappropriate for certain types of entities and circumstances and some may lack the necessary knowledge concerning the applicability and implementation of HIPAA.

INSERT NAME OF CONTRACTOR

By: _____ Date _____

Typed/Printed Name as _____
Title

Address

Phone Number

Federal I.D. Number

